



APPEAL TO THE BOARD OF ADJUSTMENT

Petition Date: March 3, 2016

Applicant: Capital Grille Holdings, Inc.
Agent: Jack Degagne

Requested Action: An 8.4-foot variance from the required front yard setback of 10 feet (Section 405.3200.1); and a variance from the maximum Floor Area Ratio (FAR) of 3 to allow a FAR of 4.76 (Section 405.3190).

Location of Site: 101 South Hanley Road
Subdivision: Lots 11 – 18 in Block 14 in the town (now City) of Clayton
Size of Lot: 75,999 square feet (1.74 acres)
Zoning District: High Density Commercial District (HDC)

Prepared By: Louis Clayton, Planner
Date: February 26, 2016

Plans are available for review during business hours in the Department of Planning and Development Services.

Louis Clayton
Planner/Staff Liaison

Exhibits:

- A. Code of Ordinances for the City of Clayton & Clayton Master Plan
- B. Zoning Review Application and Denial Letter from Louis R. Clayton, Planner
- C. Appeal to the Board of Adjustment
- D. Drawings submitted by Applicant including an existing conditions survey, proposed site plan, and exterior elevations
- E. Staff Report

STAFF REPORT

EXISTING CONDITIONS & PROJECT DESCRIPTION:

The subject property is located at the southwest corner of Carondelet Avenue and South Hanley Road and has a zoning designation of High Density Commercial District (HDC). The lot measures 75,999 square feet (1.74 acres) and is improved with a high-rise mixed use office building and parking structure that were constructed in 1985. The surrounding properties are zoned HDC and Special Development District, and primarily contain office buildings. Until recently, the ground floor tenant space facing Carondelet Avenue was occupied by a restaurant (J. Buck's). A new restaurant tenant now proposes to occupy the space. The applicant proposes to demolish the existing one-story, non-conforming circular addition on the north side of the building and construct a larger, rectangular building addition in the same general location.



VARIANCE REQUEST:

On February 1, 2016, Jack Degagne, agent, submitted an application for Zoning Review and plans for the construction of an addition to the building. On February 4, 2016, staff completed an initial review of the plans and prepared a Zoning Review Denial Letter addressed to the applicant indicating that the proposed addition encroach 8.4 feet into the required 10-foot front yard setback, and the proposed Floor Area Ratio (FAR) of 4.76 exceeds the allowable FAR of 3. The applicant is requesting the following variances:

- An 8.4-foot variance from the required front yard setback of 10 feet (Section 405.3200.1); and
- A variance from the maximum Floor Area Ratio (FAR) of 3 to allow a FAR of 4.76 (Section 405.3190).

The existing property owner of record, appellant and adjoining property owners have been advised of this variance request and the date and time of the hearing. Additionally, the property has been posted with a public hearing notice.

ANALYSIS:

Staff analysis is based on a preliminary assessment of elements of the applicable ordinances, information contained in the file documents and observations made of the site and its environs. As part of this variance request, the applicant must demonstrate that an extreme hardship or severe practical difficulty exists based upon the shape of the lot, topography or other natural situation not the fault of the applicant. Therefore, in considering this appeal, the Board of Adjustment is authorized to grant a variance only upon findings that:

1. **There are practical difficulties or unnecessary hardships associated with the strict application of the Zoning Regulations, due to the exceptional or unique circumstances or conditions such that strict application would deprive the owner of reasonable use of the property.**

APPLICANT RESPONSE: Yes. Capital Grille must maximize seat count in each restaurant due to the extensive cost associated with fine dining. The existing restaurant floor plan model does not work for the proposed restaurant's needs; including seating counts, layout and proper flow, sufficient kitchen equipment and storage, and accoutrements associated with TCG (proposed tenant) experience.

STAFF OBSERVATIONS: The required front yard setback for this property is 10 feet. The office tower is set back +/-32 feet from the northern property line, and the proposed addition will encroach 8.4 feet into the required 10-foot front yard setback. If the addition were constructed in conformance with the setback requirements, it would be +/- 650-square-feet smaller than proposed.

Floor Area Ratio (FAR) is defined as the total floor area of all structure improvements on a lot, divided by the area of the lot. The existing structure is non-conforming and has a FAR of 4.74 which exceeds the allowable FAR of 3. Therefore, any addition which increases the overall square footage of the building would be prohibited.

The Zoning Ordinance allows for a decrease in the required front yard setback and an increase in the allowable Floor Area Ratio (FAR) through the Planned Unit Development (PUD) process; however, this project does not meet the criteria for PUD eligibility.

2. **Granting the variance requested would observe the spirit of the Zoning Regulations and secure public safety and welfare.**

APPLICANT RESPONSE: Yes. The character of the neighborhood would be improved, as the current restaurant is closed and provides no employment opportunities. The addition of a new fine dining establishment would add vibrancy to the area, and compliment nearby hotels and businesses.

STAFF OBSERVATIONS: The Zoning Regulations establish setbacks to maintain an appropriate amount of light and air amongst structures and to ensure compatible development of properties within the district in which they are zoned. The existing building addition is a non-conforming structure that does not comply with the required 10-foot front yard setback. The proposed building addition will encroach as far as the existing addition does; however, the proposed footprint is larger due to its rectangular shape.

The Zoning Regulations establish floor area ratio (FAR) limits to regulate building bulk and density to ensure compatible development of properties within the district in which they are zoned. The existing structure is non-conforming and has a FAR of 4.74 which exceeds the allowable FAR of 3. The proposed FAR of 4.76 is a relatively minor increase.

It is not uncommon for older non-conforming buildings and newer buildings developed through the Planned Unit Development or Special Development District process Downtown to have front setbacks less than 10 feet or a FAR above 3. The variance requests do not appear to have any significant detrimental effects on public safety and welfare.

3. **The deviation from strict application of the Zoning Regulations authorized by the variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area and would not in any other respect impair the public health, safety, comfort, morals and welfare of the City of Clayton.**

APPLICANT RESPONSE: No. Use of property would remain the same. Replacing a closed restaurant with a new one will increase established property values. Amount of traffic would not change since the new restaurant will use existing restaurant parking provided by the landlord. The use of existing patio space of the closed restaurant will be enhanced by the new restaurant's design.

STAFF OBSERVATIONS: In this case, deviation from the strict application of the Zoning Regulations would allow for the construction of an addition to the existing building, comparable to what is currently found on other buildings Downtown. Staff is of the opinion that granting the variance would not be a detriment to surrounding properties or create a public safety concern, impair an adequate supply of light and air or negatively impact adjacent property.

ALTERNATIVES:

According to the applicant, three separate design attempts were made to fit TCG (the proposed tenant) into the existing space and the minimum number of seats could not be attained, nor could proper flow and design be achieved.

BOARD ACTION:

The Board of Adjustment should consider all testimony and relevant facts to render its decision. The Board should articulate its findings of fact based on the criteria for consideration of variances into the record in support of its decision. After hearing the testimony and all relevant facts, the Board of Adjustment may, at its discretion:

1. Approve one or more of the appeals as presented or approve with specific conditions.
2. Table this item for further review.
3. Deny the Appeals as presented.